THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

DAKOTA NASIATKA,

v.

Defendant.

CASE NO. CR21-0050-JCC

ORDER

This matter comes before the Court on Defendant's Unopposed Motion to Continue Trial and Pretrial Deadlines (Dkt. No. 17). Having thoroughly considered Defendant's motion and the relevant record, the Court GRANTS the motion for the reasons explained below.

Trial in this matter is currently set for October 25, 2021; pretrial motions were due September 13, 2021. (Dkt. No. 16.) Defendant seeks a continuance of the trial date to March 2022 and a corresponding postponement of the pretrial deadlines. (Dkt. No. 17 at 1.) As support, he cites the need to review extensive discovery, the complexity of the case, and pandemic-related limitations hampering counsel's ability to communicate with his client. (Dkt. No. 17 at 2.) Defendant indicates that the Government does not oppose this request and that he has agreed to sign a speedy trial waiver. (*Id.* at 1, 2.)

Based on the foregoing, the Court FINDS as follows:

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- 1. Taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny defense counsel the reasonable time necessary for effective preparation, due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);
- 2. Failure to grant a continuance would likely result in the miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);
- 4. The ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A);
- 3. The additional time requested is a reasonable period of delay, as Defendant has requested more time to prepare for trial, investigate the matter, gather evidence material to the defense, and consider possible defenses; and
- 6. The additional time requested between the current trial date and the new trial date is necessary to provide defense counsel reasonable time to prepare for trial considering counsel's schedule and the facts set forth above.

Accordingly, Defendant's Unopposed Motion (Dkt. No. 17) is GRANTED. It is therefore ORDERED that the trial date be CONTINUED to March 21, 2022, and that the time between the filing of this motion to continue and the new trial date is excludable time under the Speedy Trial Act, as provided in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv). Any pretrial motions shall be filed no later than February 7, 2022.

DATED this 20th day of September 2021.

John C. Coughenour

UNITED STATES DISTRICT JUDGE

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